

August 20, 2020

BY ECF

Hon. John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Levin v. The Ministry of Culture and Tourism, Republic of Turkey*, 18 Civ. 1586 (JGK)

Dear Judge Koeltl:

The undersigned represent, respectively, Plaintiff, Eliezer Levin, and Defendant, the Ministry of Culture and Tourism, Republic of Turkey and Counterclaim Plaintiff, the Republic of Turkey in the above-referenced matter. The parties write to request a 60-day extension of the deadlines in the current Amended Case Management Plan and Scheduling Order.

On June 15, 2020, the parties requested that the Court extend *sine die* the deadlines in the Case Management Plan and Scheduling Order entered on October 25, 2020 (Dkt. #42). In its June 22, 2020 Order the Court directed the parties to “submit a revised scheduling order ... extending all deadlines [set out in the October 25 Order] by 60 days,” (Dkt. #46). The current Amended Case Management Plan and Scheduling Order was submitted by the parties and so ordered by the Court on June 22, 2020 (Dkt. #48). The Amended Case Management Plan and Scheduling Order provides for the following dates:

1. All fact discovery shall be completed no later than Friday, August 21, 2020.
2. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph [1] above:
 - a. Initial requests for production of documents to be served by Friday, July 24, 2020.
 - b. Interrogatories to be served by Friday, July 31, 2020.
 - c. Depositions to be completed by Friday, August 7, 2020.
 - d. Requests to Admit to be served no later than Friday, August 14, 2020; and responses to be served by no later than Friday, August 21, 2020.
3. a. Any expert discovery shall be completed no later than Tuesday, October 20, 2020.

Hon. John G. Koeltl
August 20, 2020
Page 2

- b. No later than Tuesday, July 21, 2020, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that all expert discovery shall be completed by the date set forth in paragraph [3](a).
4. Any dispositive motion is to be made by Tuesday, November 10, 2020.
5. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 4 of the Court's Individual Rules and Practices shall be due Friday, November 20, 2020, or if any dispositive motion is filed, 30 days from the Court's decision on such motion. This case shall be trial ready within 21 days after submission of the joint pretrial order.

The parties have been actively engaged in settlement discussions and thus agreed by written consent to extend *sine die* the interim fact discovery deadlines. Currently, the parties are finalizing settlement terms but more time is needed to do so due to the governmental approval procedures of the Republic of Turkey and delays caused in part by COVID-19. Accordingly, the parties request a 60-day extension of the deadlines in the current Amended Case Management Plan and Scheduling Order. This is the parties' second request for an extension of the Case Management Plan and Scheduling Order. The proposed Second Amended Case Management Plan and Scheduling Order is attached.

Respectfully submitted,

HERRICK, FEINSTEIN LLP

By: s/ Gabrielle C. Wilson
Gabrielle C. Wilson, Esq.

2 Park Avenue
New York, New York 10016
(212) 592-1400
gwilson@herrick.com
*Attorneys for Defendant the Ministry
of Culture and Tourism, Republic of Turkey and
Counterclaim Plaintiff Republic of Turkey*

WILMER CUTLER PICKERING
HALE & DORR LLP

By: s/Michael D. Gottesman
Michael D. Gottesman, Esq.

7 World Trade Center
250 Greenwich Street
New York, New York 10007
(212) 230-8800
Michael.Gottesman@wilmerhale.com
Attorneys for Plaintiff Eliezer Levin

cc: All Counsel of Record (via ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIEZER LEVIN,

Plaintiff,

v.

THE MINISTRY OF CULTURE AND
TOURISM, REPUBLIC OF TURKEY,

Defendant.

REPUBLIC OF TURKEY,

Counterclaim Plaintiff,

v.

ELIEZER LEVIN,

Counterclaim
Defendant,

STATUE OF THE GODDESS CYBELE,

Counterclaim
Defendant-in-rem.

Case No. 18-cv-1586-JGK

[PROPOSED] SECOND AMENDED
CASE MANAGEMENT PLAN AND
SCHEDULING ORDER

This [proposed] Second Amended Case Management Plan and Scheduling Order is submitted by the parties in accordance with Rule 26(f)(3), Fed. R. Civ. P. The deadline for amended pleadings has passed and the parties have made initial disclosures pursuant to Rule 26(a)(1), Fed. R. Civ. P.

1. The parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. The parties believe discovery will be required on, among other issues, matters related to the sale history of the marble statue of the goddess Cybele at issue in this case (“Cybele”); Levin’s purchase of the Cybele, including whether Levin acted in good faith

and with due diligence; the exportation of the Cybele from Israel; and ownership of the Cybele.

3. All fact discovery shall be completed no later than Tuesday, October 20, 2020.
4. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York.
5. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 3 above:
 - a. Initial requests for production of documents to be served by Tuesday, September 22, 2020.
 - b. Interrogatories to be served by Tuesday, September 29, 2020.
 - c. Depositions to be completed by Tuesday, October 6, 2020.
 - d. Requests to Admit to be served no later than Tuesday, October 13, 2020; and responses to be served by no later than Tuesday, October 20, 2020.
6.
 - a. Any expert discovery shall be completed no later than Monday, December 21, 2020.
 - b. No later than Monday, September 21, 2020, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that all expert discovery shall be completed by the date set forth in paragraph 6(a).
7. The parties have initially discussed privilege-related issues. The parties agree that any privileged document provided during discovery may be clawed back according to the procedure set forth in Federal Rule of Civil Procedure 26(b)(5)(B) and that any such disclosure does not operate as a waiver.
8. All motions and applications shall be governed by the Court's Individual Practices.
9. Any dispositive motion is to be made by Monday, January 11, 2021.
10. Counsel for the parties have discussed and continue to discuss possible settlement of this case, and are actively engaged in settlement negotiations.
11. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 4 of the Court's Individual Rules and Practices shall be due Tuesday, January 19, 2021, or if any dispositive motion is filed, 30 days from the Court's decision on such motion. This case shall be trial ready within 21 days after submission of the joint pretrial order.

Respectfully Submitted,

HERRICK, FEINSTEIN LLP

WILMER CUTLER PICKERING
HALE & DORR LLP

By: s/ Gabrielle C. Wilson
Gabrielle C. Wilson, Esq.

By: s/Michael D. Gottesman
Michael D. Gottesman, Esq.

2 Park Avenue
New York, New York 10016
(212) 592-1400
gwilson@herrick.com
*Attorneys for Defendant the Ministry
of Culture and Tourism, Republic of Turkey and
Counterclaim Plaintiff Republic of Turkey*

7 World Trade Center
250 Greenwich Street
New York, New York 10007
(212) 230-8800
Michael.Gottesman@wilmerhale.com
Attorneys for Plaintiff Eliezer Levin

cc: All Counsel of Record (via ECF)